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PP RUEHMA RUEHPA  
DE RUEHCO #0523 3060508  
ZNR UUUUU ZZH  
P 020508Z NOV 09  
FM AMEMBASSY COTONOU  
TO RUEHC/SECSTATE WASHDC PRIORITY 1172  
INFO RUEHZK/ECOWAS COLLECTIVE  
RUEHFR/AMEMBASSY PARIS 1541  
RUEHLO/AMEMBASSY LONDON 0484

UNCLAS COTONOU 000523

SENSITIVE  
SIPDIS

DEPT FOR AF/W ASHLEY STEWART  
LONDON FOR PETER LORD  
PARIS FOR BKANEDA

E.O. 12958: N/A  
TAGS: [PGOV](#) [PREL](#) [KCOR](#) [BN](#)  
SUBJECT: BENIN: CLERK OF COURT STEALS MONEY PLACED UNDER SEAL

REFERENCE: COTONOU 431 AND PREVIOUS

11. (U) During the official ceremony for the re-opening of the Abomey Court of Appeals (central Benin) on October 28, the Minister of Justice, Legislation and Human Rights, Victor Topanou, told the audience that Court Clerk, Nazaire Alia, allegedly stole 11 million CFA (approximately USD 22,000 ) placed under seal in a 2008 lawsuit involving two foreign nationals in the Court of Ouidah (west of Benin). The malfeasance was discovered on February 17, when the judge, at the end of the trial, awarding the money to the winning party. Topanou said that in April the Court of Ouidah issued an arrest warrant against Alia. Since then, Alia has been a fugitive.

12. (U) Without mentioning names, Topanou noted that Alia benefited from certain administration officials' protection. The Minister of Justice says the situation is "unbearable, unacceptable and intolerable". He called on Alia to surrender, and asked the population to help the judiciary find him. Media including the National Television and newspapers covered Topanou's October 28 speech.

13. (SBU) A source from the Court of Cotonou told Post that Alia committed the same offense some time ago in the Court where he previously served. The government transferred him to the Court of Ouidah where he did it again. The source said that judicial personnel such as clerks, secretaries and administrative officers often commit offences including extortion, theft and fraud without ever facing firing, arrest or prosecution.

4.(SBU) COMMENT: President Yayi came to power on a strongly worded anti-corruption platform and started his term in 2006 with strong action. He initiated inspections and audits of many ministries (see refs), the reports of which were widely publicized. Thus far, however, not one of the named suspects has been prosecuted. This relatively low ranking official has already acted with impunity in the past, but is now being sought for prosecution. Since there already is the perception that this government goes after the small fish, while the big offenders get away, the question remains - is he finally being brought to justice to counteract charges of institutionalized impunity, or is this late plea for help on the part of the Minister engineered to be a public statement against corruption, with no follow-up? END COMMENT

KNIGHT